

UNITED STATES DISTRICT COURT
OF MASSACHUSETTS

CRIMINAL No.: 19-10430

UNITED STATES OF AMERICA

v.

EMILIO RODRIGUEZ

DEFENDANT'S SENTENCING MEMORANDUM

Emilio Rodriguez is facing a mandatory minimum sentence of five years, pursuant to 21 USC § 841(a)(1) and 21 USC § 841 (b)(1)(B), Both the government and Mr. Rodriguez will recommend this sentence. If there was no statutory base for the sentence, Mr. Rodriguez would ask this Court for no more than the minimum guideline provision which is forty-one months. While there is no controversy regarding the sentence calculation, the defendant submits this memorandum so that the Court understands the person who is Emilio Rodriguez, in addition to the pre-sentence report with which he had no objections.

Emilio is thirty-three years old and has lived in Massachusetts with his family for all his life. His brother , Felipe is thirty-four years old and his sister, Maritza is thirty-two. They grew up together and are very united as a family. Each sibling has children and often help each other with child care and other tasks . While Emilio has been incarcerated, his family continues visits with his children, who are also close to their cousins.

Emilio and Lilliana have three children and have been together as a couple, off and on for sixteen years. Emilio was seventeen when his first child was born. Lilliana was eighteen. It was the first serious relationship for both of them and they were still working through it. Their relationship has been tempestuous at times, and both agree that " they know how to push each other's buttons". But both agree that Emilio has been a wonderful father to the children who love

him a lot and miss him. He does not want them to see him in jail (and in the current pandemic, there are limited family visits anyway). He speaks to them as often as possible, and they think that he is in a hospital.

Emilio has a very positive outlook. He misses his family enormously, but he blames himself , and no one else, for this separation. Emilio did not buy high end, luxury items from selling drugs. But faced with a monthly rent of fifteen hundred dollars, plus all the other expenses of ordinary life, he needed someway to supplement his meager income.

Emilio hopes to use his prison time productively. As soon as he was able, he enrolled in programs at the Norfolk jail. He hopes to have addiction counseling. Although he hasn't used cocaine since his heart attack, but has abused alcohol, he should still be considered addicted . He would benefit from the RDAP program, if it is still offered by the Bureau of Prisons.

Emilio also wants to go to a prison which offers some vocational training so that he can prepare to get a job when he is released. He asks that this Court make a recommendation of either Devens or Danbury which, in normal, i.e. non pandemic times, have a range of programs.

Finally, he asks that the Court recommend that the Bureau of Prisons place him in a halfway house for the last six months of his sentence and that he receives credit for time served in this case, as calculated in the pre-sentence report.

Respectfully Submitted,
EMILIO RODRIGUEZ
By His Attorney,

/s/ Lenore Glaser
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November 11, 2020

/s/ Phillip Cheng, AUSA (by LG)

 /s/ Eduardo Masferrer (by LG)

Certificate of Service

I, Lenore Glaser, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 11, 2020. A copy has been sent to Emilio Rodriguez ,

/s/ Lenore Glaser